

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**DARLENE LEWIS,**

**Plaintiff,**

**v.**

**Case No.4:06cv19**

**JO ANN B. BARNHART,  
Comissioner of Social Security,**

**Defendant.**

**OPINION & ORDER**

This matter is before the Court on Plaintiff's Motion for Summary Judgment (Doc. 19), filed on July 13, 2006, and Defendant's Motion for Summary Judgment (Doc. 23), which was filed with the Court on September 19, 2006. For the following reasons, Plaintiff's Motion for Summary Judgment is hereby **DENIED** and Defendant's Motion for Summary Judgment is **GRANTED**.

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security's ("Commissioner") denial of his claim for disability insurance benefits and supplemental security income benefits under Title II and Title XVI of the Social Security Act ("Act"). Pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated April 27, 2006 (Doc. 13), this matter was referred to United States Magistrate Judge James E. Bradberry for a Report and Recommendation ("R&R").

The R&R of the Magistrate Judge, filed on March 19, 2007 (Doc. 27), finds that the Administrative Law Judge's ("ALJ") determination that Plaintiff is not disabled is supported by substantial evidence and is based on a correct application of relevant law. Doc. 27 at 20-34. Magistrate Judge Bradberry recommended the following: (1) that the final decision of the Commissioner be upheld; (2) that Plaintiff's Motion for Summary Judgment be denied; and (3) that Defendant's Motion for Summary Judgment be granted. Id. at 34.

By copy of the R&R, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. As the Court has not received any objections to the R&R, this Court has reviewed the R&R and hereby adopts and approves, in full, the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the final decision of the Commissioner is **UPHELD**, that Plaintiff's Motion for Summary Judgment is **DENIED**, and that Defendant's Motion for Summary Judgment is **GRANTED**.

Plaintiff is advised that she may appeal from this Opinion & Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Order.

The Clerk is **REQUESTED** to send a copy of this Opinion and Order to Plaintiff and all counsel of record.

It is so **ORDERED**.

/s/

---

HENRY COKE MORGAN, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
March 30, 2007